

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

CAROLINE MEEKS,)
Plaintiff,)
vs.) Case No. 4:05CV1779 HEA
LINCOLN INDUSTRIAL)
CORPORATION,)
Defendant.)
and)
CAROLINE MEEKS,)
Plaintiff,)
vs.)
UNITED AUTOMOBILE, AEROSPACE)
and AGRICULTURE IMPLEMENT)
WORKERS OF AMERICA, UAW)
LOCAL 691,)
Defendant.)

MEMORANDUM AND ORDER

This matter is before the Court on the Joint Motion to Dismiss or in the Alternative to Enter an Amended Case Management Order, [Doc. No. 34]. Plaintiff has filed an opposition to the motion. For the reasons set forth below, the Motion is granted to the extent that the Court will enter an Amended Case Management Order.

On December 6, 2006, this Court granted defendant Terry Tenholder as a

party defendant. The Court also dismissed plaintiff's claim of sex discrimination. In that Order, the Court granted plaintiff fourteen days within which to file an amended complaint. Plaintiff has not done so.

On April 25, 2006, the Court granted the Motion to Consolidate the cases of plaintiff against Lincoln Industrial Corporation and Plaintiff against her union, Local 691. The reason for this consolidation is that the cases involve the same set of facts giving rise to plaintiff's actions. In the April 25, 2006 Order, the Court granted plaintiff fourteen days to file an amended complaint. Plaintiff has not done so.

In her response to the motion, plaintiff voices her intent to pursue these cases and asks that the complaints not be dismissed. Understanding that plaintiff is proceeding *pro se* and her lack of legal training, the Court does not believe that dismissal is appropriate. However, plaintiff is required under the rules of this Court to prosecute her claims in a timely manner and to abide by this Court's rulings.

The Court originally dismissed Terry Tenholder because he could not be liable under Title VII. Since Mr. Tenholder was dismissed, plaintiff is required to state her claim against her employer, Lincoln Industrial Corporation. Furthermore, the complaint must set forth plaintiff's claim against her Union in order to state a claim against it. The Court agrees with defendants that the Case Management Order should be amended in order for the parties to complete all remaining discovery. The

Court will once again allow plaintiff to file an Amended Complaint within fourteen days from the date of this Order, with the admonishment that failure to do so will result in dismissal of this action.

Accordingly,

IT IS HEREBY ORDERED that the Motion to Dismiss, [Doc. 34], is denied.

IT IS FURTHER ORDERED that the alternative Motion to Amend the Case Management Order, [Doc. 34], is granted. All deadlines previously set forth in the original Case Management Order are extended sixty (60) days from their original dates.

IT IS FURTHER ORDERED that the trial in this matter is continue to June 18, 2006 at 9:30 a.m. in the courtroom of the undersigned.

Dated this 25th day of October, 2006.



HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE